



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 24th March, 2017:—

I

BILL NO. LXVIII OF 2016

A Bill to identify and support the children with learning disabilities in education and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Children with specific Learning Disabilities (Identification and Support in Education) Bill, 2016.

Short title,
extent and
commencement.

(2) It extends to the whole of India except the State of Jammu & Kashmir.

(3) It shall come into force on such date as the Central Government may, by notifications in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government.

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government or any local authority other than a Cantonment Board, the State Government.

(b) "educational institution" includes a private educational institution.

(c) "dyscalculia" means a learning disability characterized by difficulty in mathematics.

(d) "dysgraphia" means a learning disability characterized by difficulty with the act of writing both in the technical as well as the expressive sense including difficulty with spelling.

(e) "dyslexia" means a learning disability that affects a person's ability to acquire, process and use either spoken, written or nonverbal information including organization and planning, functional literacy skills, memory, reasoning, problem solving and perceptual skills or in other words, difficulty with language in its various uses including reading.

(f) "dyspraxia" means a learning disability that affects the person's ability to plan motor tasks and to make an appropriate body response.

(g) "in service" means in service of any institution run or managed by the Central or State Government or run or managed with the aid of Central or State Government.

(h) "prescribed" means as prescribed by the rules made under this Act.

(i) "specific learning disability" means a disorder in one or more of the basic psychological process involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations and includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, dyspraxia, dyscalculia, dysgraphia and development aphasia, but does not include a learning problem that is primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantages.

Annual Survey
on persons with
specific learn-
ing disabilities.

3. (1) The appropriate Governments including local self Governments shall conduct an annual survey to identify the number of persons with specific learning disabilities, the nature of facilities and assistance provided to them and the extent to which they are benefitted.

(2) The manner of conduct of survey, qualification of personnel involved in survey, maintenance of records and publication of reports shall be such as may be prescribed.

mass awareness
campaign.

4. The appropriate Governments including local self Governments shall,—

(i) conduct mass awareness campaigns to create awareness in the community regarding Special Learning disability, its causes and prevention, treatment and remedial measures;

(ii) sponsor or cause to sponsor awareness campaigns and disseminate or cause to disseminated information on learning disabilities;

(iii) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadi workers about specific learning disabilities, their causes and remedial measures;

(iv) create awareness amongst the masses through television, radio and other mass media; and

(v) promote research in specific learning disabilities.

5. The appropriate Governments shall,—

(i) set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organizations to develop teachers' training programmes specializing in specific learning disabilities;

Setting up of
teacher training
Institutions.

(ii) improve the teacher education programmes to incorporate specific learning disabilities, its theory and practices within the curriculum of teacher education.

(iii) ensure that newly inducted teachers attend at-least one-month mandatory training in inclusive education, with special focus on specific learning disabilities.

(iv) provide adequate training to the regular teachers in service, in inclusive education with special focus on specific learning disabilities; and

(v) train the teachers and staff in anganwadis to facilitate early detection of specific learning disabilities.

6. (1) Every educational institution shall be equipped with a resource room and a special educator trained in specific learning disabilities and where special educator trained in such disabilities is not available, a person trained in special education shall be appointed.

Special facilities in educational institutions.

(2) The facilities of the resource room and qualification of the special educator shall be such as may be prescribed.

(3) Every educational institution shall endeavor to detect specific learning disabilities in children at the earliest.

(4) Where a child is suspected with specific learning disability, a detailed evaluation of the child including his socio-economic background and family background shall be conducted and the child may be referred to a clinical psychologist or a Learning Disability Detection and Remediation Centre to detect if, he is suffering from a specific learning disability.

(5) Where a child is detected with a specific learning disability, an Individualised Education Plan shall be formulated for the child depending on the specific needs of the child by a team consisting of the Principal of the school, the class teacher of the child another teacher, special educator, the parents of the child and the child himself.

(6) The child may be referred to a Learning Disability Detection and Remediation Centre for specialized support, if found necessary.

(7) The individualized Education Plan shall be periodically revised, and the progress of the child shall be closely monitored in terms of attainment levels and completion of education.

7. (1) The State Government shall set up adequate number of Learning Disability Detection and Remediation Centres in every district to train and equip children with specific learning disabilities who require specialized training.

Setting up of Learning Disability Detection and Remediation Centre.

(2) There shall be at least one Learning Disability Detection and Remediation Centre in every district.

(3) The District Learning Disability Detection and Remediation Centres shall provide specialized training to children with specific learning disabilities, assist the schools in the concerned district to set up resource rooms, provide training and support to the regular teachers in dealing with children with specific learning disability.

(4) The District Learning Disability Detection and Remediation Centres may also offer practical courses in dealing with children with specific learning disabilities for parents and teachers subject to regulations as may be prescribed by appropriate government.

(5) The appropriate Governments may distribute to every education institution the learning materials including special text books and teaching aids for the children with specific learning disability through the District Learning Disability Detection and Remediation Centres.

(6) The manner in which Learning Disability Detection and Remediation Centres shall be set up or recognized, constitution, structure and function shall be such as may be prescribed.

Establishment
of Natural and
Regional
Centres for
specific
learning
disabilities.

8. (1) The Central Government shall establish a National Centre for specific Learning Disabilities to provide leadership, public awareness and grants to support research and innovative practices in specific learning disabilities.

(2) The appropriate Government may establish Regional Centres for specific Learning Disabilities at the State and District Level.

(3) The manner in which the National and Regional Centres for specific learning disability shall be set-up, constitution, structure and function shall be such as may be prescribed.

Guidelines for
Certification
of Children
with learning
disabilities.

9. (1) The Central Government shall frame guidelines for certification of children with specific learning disabilities.

(2) The Central Government shall lay down qualifications for certifying authorities of children with specific learning disability.

(3) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of specific learning disability.

Curriculum
and
examination
system for
children with
specific
learning
disabilities.

10. (1) The appropriate Governments shall make suitable modifications in the curriculum and examination system to meet the needs of the children with specific learning disabilities.

(2) Notwithstanding and without prejudice to any other concessions provided to the children with specific learning disabilities in examinations, the appropriate Governments shall ensure that the children with specific learning disabilities are provided the following concessions—

- (a) Twenty five percent extra time for completion of the examination paper;
- (b) facility of scribe or amanuensis when necessary;
- (c) oral test to be conducted along with written tests up to Class IX and promotion shall be based on the average of both;
- (d) standards of Arithmetic to be relaxed as per the level of the child;
- (e) use of calculators to be allowed;
- (e) errors of interchanging of computation signs and number reversal to be ignored;
- (f) exemption from second and third language;
- (g) alternate subjects like home science, electronics etc. to be made available;
- (e) spelling or grammar errors and incorrect sentence construction shall be ignored;
- (f) direction errors in geography and other subjects shall be ignored;
- (g) exemption from diagrams, charts and graphs; and
- (h) such other concessions as may be prescribed.

Employment
of persons
with specific
learning
disabilities.

11. The appropriate Governments and local authorities shall by notification in the official gazette formulate schemes for ensuring employment of persons with specific learning disabilities and such schemes shall include training and welfare of persons with specific learning disability, relaxation of upper age limit, and schemes promoting self employment.

Central
Government
to provide
funds.

12. The Central Government shall, after due appropriation made by parliament, by law, in this behalf, provide adequate funds to the state Governments for carrying out the purposes of this Act.

13. (1) Whoever fraudulently avails or attempts to avail any benefit meant for persons with Specific learning disabilities, shall be punishable with imprisonment for a term which may extend up to two years or with fine which may extend to one lakh rupees or with both.

Punishment
for availing
benefits
meant for
persons with
learning
disabilities.

(2) Whoever assists or facilitates the commission of the offence under sub-section (1) shall be punishable with imprisonment of two years or with a fine which may extend to one lakh rupees or with both.

(3) The appropriate Government shall report the names of the registered medical practitioners who have been convicted of the offence under sub-section (2) to the respective State Medical Council for taking necessary action including removal of his name from the register of the Council for a period of two years for the first offence and permanently for the subsequent offence.

(4) Any Principal or teacher of a school convicted under sub-section (2) shall also be liable to face the appropriate disciplinary action including suspension or removal from service.

(5) No person shall be punished under sub-section (1) or (2) for an act done by them in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.

14. Without prejudice to the provisions of section 13, the appropriate Government on the application of any aggrieved person or otherwise shall look into complaints with respect to matters relating to,—

Complaint
machanism.

(a) deprivation of rights of persons with specific learning disabilities; and

(b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued for the welfare and protection of rights of persons with specific learning disabilities.

15. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulty.

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

16. The provisions of this Act shall be in addition to and not in derogation of the provisions in any other law, for the time being in force.

Act not in
derogation of
only other
law.

17. The appropriate Governments may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Children with learning disability are a disadvantaged section of the society. There is no law or policy in this context at present. There has not been a systematic study to gauge the prevalence of learning disabilities in India, though, isolated studies by independent researchers and organizations estimate that fourteen percent of all the school children suffer from learning disabilities. It is a matter of concern that adequate research and funds have not been channelized to address this particular issue. Further, there is gross lack of awareness of learning disability among the parents, teachers and the community which results in branding of children as lazy or uninterested.

A specific learning disability affects the ability to learn and use certain skills, *e.g.*, reading, writing, listening, speaking, reasoning, directing attention, doing mathematical calculations and coordinating movements. The common forms of specific learning disabilities are: dyslexia (difficulty in reading), dysgraphia (difficulty in writing) and dyscalculia (difficulty in mathematics). It may affect a single skill or combination of skills. Learning disability is distinct from mental retardation, and many a times, those suffering from such disabilities may have near normal, normal or superior intellectual ability, but the cognition, memory, motor activity and brain function of such children might be different from other individuals. Many great personalities like Thomas Alwa Edison and Albert Einstein were once discarded by the school system as failures.

The major challenge in identification of children with specific learning disabilities is the invisibility of their condition. The teachers, parents and peers often regard them as slow learners or a failure, or attribute to them laziness or attitude. The diverse socio-cultural and economic conditions of the country make it a further complicated exercise. If the children with specific learning disabilities are identified at an early age, they can be accommodated into the mainstream by providing appropriate and specialized training. Further, new centres should be opened to train and equip such children and the teachers and parents should also be trained to deal with them. The curriculum and assessment methods have to be restructured to accommodate the children with specific learning disabilities or appropriate concessions should be given to them.

Hence this Bill.

VANDANACHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for conducting annual survey to detect the number of persons affected with specific learning disability, clause 4 provides for conducting mass awareness campaigns, clause 5 provides for setting up of teacher training institutions, clause 7 provides for setting up of Learning Disability Detection and Remediation Centres and clause 8 provides for setting up a National Centre for specific Learning Disabilities clause 12 provides for the Central Government to provide funds to the State Governments. The Bill, if enacted, will involve recurring expenditure from the Consolidated Fund of India to the tune of rupees five hundred crore per annum. A non-recurring expenditure of one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

II

Bill No. LX of 2016

A Bill further to amend the All-India Institute of Medical Sciences Act, 1956.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the All-India Institute of Medical Sciences (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. For sub-section (1) of section 7 of the All-India Institute of Medical Sciences Act, 1956, the following section shall be substituted namely:—

Amendment
to section 7.

7.(1) “There shall be a President of the Institute who shall be nominated by the Central Government from among the members other than the Director of the Institute and the Minister, if he is one of the members.”

STATEMENT OF OBJECTS AND REASONS

All-India Institute of Medical Sciences was set up as a premier institution for medical education and research in highly specialized areas having a hospital with world class facilities. For enabling such an institution to work smoothly for achieving its objectives, its founding fathers in their wisdom, sought to accord it complete autonomy by enabling a separate legislation *i.e.* **All India Institute of Medical Sciences (AIIMS) Act, 1956**, which is clearly reflected in the debates that took place in both Houses of Parliament. Such a vision stands clearly undermined today. As a result, while it is very good in academic, it is very low on administration.

It is a matter of great concern that the intended autonomy of the Institute remain seriously compromised in all possible manner mainly due to the fact that the Union Minister of Health has been holding the charge of President of the Institute body (I.B.) as well as the Governing Council. Minister of Health being a member of the I.B. and also its Chairman is nowhere provided in the AIIMS Act-nor is it as per the spirit of the Act. It is a clear case of conflict of interest that impinges upon the core character and autonomy of the Institute.

This Bill seeks to expressly bar the Minister to be appointed as President of the Institute Body by amending section 7 of AIIMS Act, 1956.

DR. KANWAR DEEP SINGH

III

Bill No. LXX of 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

(2) It shall come into force at once.

2. In the Tenth Schedule to the Constitution,—

(i) after clause (b) sub-paragraph (1), of paragraph 2, the following clause shall be inserted, namely:—

Short title
and com-
mencement.

Amendment
of Tenth
Schedule.

"(c) if, he takes membership of any other political party or shares, joins, supports any party or political programme of party other than the party on whose ticket he was elected or announces in print or electronic or social media of his intention to join another party or donates money, directly or indirectly, to any political or party programmes other than the party on whose ticket he got elected.

(ii) in sub-paragraph (1) of paragraph 6, for the words "his decision shall be final", the words "he shall take decision on such question within a period of ninety days and if no decision is taken by the speaker or the Chairman, as the case may be, such member shall deemed to be disqualified."

STATEMENT OF OBJECTS AND REASONS

There is no doubt that India is the world's largest democracy and has been surviving in spite of umpteen hiccups in the form of defections by individual Members or splinter groups to a party other than the original one on whose ticket he/they have got elected. To contain this and similar other problems and for smooth functioning of democracy, the Anti-Defection Law was enacted.

The provisions of the said law prevent a Member of parliament or a Member of State Legislature or the Legislative Council, as the case may be, from defecting to other party as individual or as group. But, the problem of defection did not stop here as there is a loophole in Para 6 of Tenth Schedule to the Constitution which gives unchallenging powers to the Speaker or the Chairman, as the case may be, with regard to disqualification on the grounds of defection.

Taking advantage of this 'unchallenging powers', the ruling party at time lure opposition party MLAs/MPs to join their party. This has happened in many States particularly in Telengana & A.P. Even after making complaint to the Speaker, so decision was taken the Speaker or the Chairman, as the case may be, has been given unchallenging powers, they are keeping the issue under the carpet for months and, sometimes, years together.

To address this problem, it is proposed to amend the Tenth Schedule to the Constitution by giving Speaker or Chairman, as the case may be, three months time to take a decision on such MLA(s)/MP(s) and if, Speaker or Chairman fails to take any decision, such member is deemed to have been disqualified.

The Bill aims to achieve the above objective.

PALVAI GOVARDHAN REDDY

IV

Bill No. IV of 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force with immediate effect.

2. In article 51A of the Constitution, after clause (k), the following shall be inserted,
namely:—

Amendment of
article 51A.

"(l) to participate in mass movement for cleanliness and propagate the message
of Clean India through his words and deeds."

STATEMENT OF OBJECTS AND REASONS

To realize the concept of "*Shreshth Bharat*" (Superior India) the dream of Clean India has to be fulfilled. India is ranked very low in terms of cleanliness. This backwardness with respect to cleanliness, is a hindrance in the way of India in becoming a developed country. To free India from the clutches of filth and with an objective to pave the way for India to become a developed country "Clean India Campaign" was launched by the Prime Minister on 2nd October, 2014. There is a need to make Cleanliness Mission a mass movement so that every citizen may participate in this mission and propagate the message of Clean India through his words and deeds. This duty of a citizen should be included in the list of Fundamental Duties envisaged in the Constitution.

Hence this Bill.

PRABHAT JHA

V

Bill No. VI of 2017

A Bill to create an Authority to ensure stabilization of population of cows (Bos indicus) and to suggest such measures to comply with Articles 37 and 48 of the Constitution, to ban the slaughter of cows and to provide for deterrent punishment including death penalty for slaughter of cow and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Cow Protection Act, 2017.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Authority" means the National Cow Protection Authority established under section 3.

(b) "Cow Protection" means total ban in any form of injury or slaughter or enforced starvation of the breed of Indian cow (*Bos Indicus*.)

(c) "Gowshalas" means health compliant hygienic comfortable shelters for Indian cow.

(d) "prescribed" means prescribed by the rules made under this Act.

Constitution of
National Cow
Protection
Authority.

3. (1) With effect from such dates as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, an Authority, to be known as the National Cow Protection Authority consisting of the following members, namely,—

(a) Secretary, Department of Animal Husbandary in the Ministry of Agriculture-Chairperson, ex-officer; and

(b) five persons of eminence in the fields of agricultural economics, animal welfare and ancient Indian history or culture—Members

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the function of the Authority.

(3) The salary and allowances payable to and other terms of conditions of service of members, officers and staff of the Authority shall be such as may be prescribed.

Meetings of
the Authority.

4. The Authority shall meet at such time and place and shall observe such rules of procedure with regard to transaction of business of its meetings as may be prescribed by the Central Government.

Functions of
the Authority.

5. (1) The Authority shall discharge such functions as many be necessary to ensure stabilization of the cow population in the country and formulate a comprehensive policy for the purpose within one year after its constitution.

(2) Without prejudice to the provisions contained in sub-section (1), the functions of the Authority shall also include to—

(a) undertake a baseline study to collect data about cow population and to formulate a Qualitative Cow Dignity Index (CDI) as may be prescribed which shall be completed within one year of setting up of the Authority;

(b) formulate schemes to provide for healthy *Bos Indicus* cows and calves.

(c) provide for funds to help incentivise adoption of cow and setting up Gowshalas.

(d) recommend to the Central Government, deterrent penalties including death penalty, to those who commit offences against cows and not follow the policies framed by the Authority;

(e) frame syllabus for awareness about importance of cow protection and development all over the country; and

(f) conduct awareness campaigns about medical imperatives for improving health of *Bos Indicus* cows and progeny.

Annual Report
and its laying
before
Parliament.

6. (1) The Authority shall prepare once every year, as may be prescribed, an annual report giving the summary of its activities, including schemes it has undertaken and recommended to the Government during the previous year and it shall contain statements of annual accounts of the Authority.

(2) A copy of the Report shall be forwarded to the Central Government and the Central Government shall lay the Report before each House of Parliament as soon as it is received

and shall also lay the action taken thereon within a period of three months from the date of receipt of the report by the Central Govt.

7. The Central Government shall from time to time provide after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Government to provide Funds.

2 of 1974.

8. The Central Government shall on the recommendation of the Authority prosecute any person within the framework of the Criminal Procedure Code of 1973 on committing any offence prescribed by law on the recommendation of the Authority under this Act.

Prosecution for offences.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it be necessary or expedient for the removal of any difficulty.

Power to remove difficulty.

10. The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

By creating an Authority under the Central Government to comply with article 37 of the Constitution and in keeping with article 48 of the Constitution, a law be enacted to ban the slaughter of all cows (*Bos Indicus*) as wished by Mahatma Gandhi as an imperative for free Independent India and to recommend punishment including death penalty as a necessary deterrent for the prevention of the criminal offence of cow slaughter.

Hence this Bill.

DR. SUBRAMANIAN SWAMY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the National Cow Protection Authority and appointment of officers and staff for this authority. Clause 7 requires the Central Government to provide, requisite funds for carrying out the purposes of this legislation. The Bill, if enacted, will involve expenditure, recurring and non-recurring, from the Consolidated Fund of India. However, it is not possible to assess the actual financial expenditure which is likely to be incurred at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

VI

Bill No. VII of 2017

A Bill to provide for the establishment of an effective system to prevent and address the decline in productivity of Parliament due to disruptions of sittings, by means of an appropriate legal frame work to fix the minimum number of days in a year for which Parliament shall be in Sessions introduction of special Session in addition to the existing three Sessions, compensation for the hours unutilised due to disruptions, and to provide obligations of the Presiding Officers of both Houses and the Members of Parliament and matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Parliament Enhancement of Productivity Act, 2017.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Committee" means the Business Advisory Committee of each House established under rule 30 of the Rules of Procedure and Conduct of Business in the Council of States and rule 287 of the Rules of Procedure and Conduct of Business in Lok Sabha;

(b) "disruption" means shouting of slogans, coming to the well, and such other actions as may be specified by the Chairman of Rajya Sabha and the Speaker of Lok Sabha, as the case may be either Leading to adjournment or hindering the normal business of the House; and

CHAPTER II

MINIMUM NUMBER OF DAYS OF PARLIAMENT SESSIONS

Minimum
number of
days in a year
for Sessions
of
Parliament.

3. (1) Each House of the Parliament shall compulsorily sit for not less than one hundred days in a year.

(2) The sittings of each House of Parliament shall be distributed in four Sessions including a special Session, in such manner, as may be prescribed by the Central Government.

CHAPTER III

SPECIAL SESSION OF EACH HOUSE OF PARLIAMENT IN A YEAR

Features of
the special
Session.

4. The special Session of each House of Parliament in a year shall entail the following namely:—

(i) the Session shall be of minimum fifteen days duration;

(ii) the Session shall only be devoted to deliberation on at least two most urgent matters of public importance and no other business including government legislative business shall be conducted;

(iii) agenda for the Session may be decided by all political parties represented in each House of Parliament;

(iv) each political party may submit at least two matters for intended discussion in the special Session to the Business Advisory Committee of the respective Houses in accordance with the rules as may be prescribed;

(v) the parties may also seek suggestions from public to decide the subject matters for discussion;

(vi) the Committee shall collate the list of topics submitted by each political party and shall decide the final topics for discussion; and

(vii) the Committee shall also recommend allocation of time for such discussions:

Provided that the Committee shall allocate at least half of the total speaking time to the members of the non-ruling parties, irrespective of the strength of the parties in the House.

CHAPTER IV

MISCELLANEOUS

Extension of
Sessions.

5. (1) The number of hours unutilised due to disruptions shall be compensated by extending each Session by as many hours at the sitting were adjourned due to disruptions.

Explanation.— A productive day in Parliament shall be at least of seven hours and for calculating as number of days for which the session has to extended the number of adjourned hours shall be converted into number of days, after adjusting the hours when the Houses sat beyond seven hours.

(2) For the purposes of section 5, the Chairman of Rajya Sabha and the Speaker of Lok Sabha shall have inherent powers to extend the Session.

6. The Rules of Procedure and conduct of Business in the Council of States and the Rules of Procedure and Conduct of Business in Lok Sabha may be amended, as deemed necessary, for the implementation of the provisions of this Act.

Amendment
of the Rules
of Procedure.

7. The Chairman of Rajya Sabha or the Speaker of Lok Sabha or the Central Government, as the case may be, may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Since the inception of Parliament of India in 1952, Parliament used to devote one hundred to one hundred and twenty day of a year to sit in Sessions. This trend, however, witnessed a decline over decades, bringing down this number to seventy to eighty days in a year. Over the years, disruptions in the smooth functioning of the Parliament Sessions have become a rather common feature in the Indian democracy. This causes grave monetary loss, wastage of time and most importantly, delay in the decision-making on vital issues of public importance of hasty passing of laws without sufficient deliberation. Various issues which resonate strongly within the society are not paid enough attention, get overlooked, or are not adequately discussed. Due to these reasons, productivity of Parliament is on a decline and the people of the country are gradually losing faith in the relevance of this supreme law-making institution.

2. More time should be allotted for debate and discussion on important subjects so as to arrive at solutions and increase productivity of the Parliament. There is no rule to dictate the minimum number of days the Parliament should mandatorily be in Sessions.

3. In India, as a practice, usually the Government overshadows the selection of the topics of discussion in Parliament. To avoid logjams in the smooth functioning of Parliament and to prevent washout of Parliament Sessions, it is crucial that the opposition also gets equal and adequate voice in Parliament. Therefore, opposition parties should also have an adequate say in deciding the agenda of Parliament so as to increase accountability of the Government.

4. In the light of the above, the proposed Parliament Enhancement of Productivity Bill, 2017, *inter alia*, provides for the following namely:—

(a) The minimum number of days for which the Parliament compulsorily sits in one year shall be not less than one hundred days;

(b) an additional two-week long special Session of Parliament only to deliberate over at least two matters of public importance, exclusive of all Government and legislative business;

(c) modification in the structure of deciding the Parliament agenda during the special Session to provide stronger voice to the non-ruling parties to propose topics of discussion. These topics can also be critical of some aspect of Government policy or administration; and

(d) disruptions of Sessions of Parliament be prevented, and the lost time be compensated.

5. The Bill seeks to achieve the above objectives.

NARESH GUJRAL

FINANCIAL MEMORANDUM

Clause 3(2) of the Bill provides for a special Session to be held in Parliament every year in addition to the three Sessions. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred and twenty crore per annum would be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 empowers Chairman Rajya Sabha or speaker Lok Sabha the Central Government as the case may be to make rules for carrying out the provisions of the Act. The matters in respect of which the rules and regulations may be made are of procedure and administrative details and as such, it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative power is, therefore, of a normal character.

SHUMSHER K. SHERIFF,
Secretary-General.